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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,208	08/05/2003	Roy T. Card	C002 1051.1	6820

7590 05/26/2004

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EXAMINER
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NERBUN, PETER P

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/634,208

Applicant(s)

CARD ET AL.

Examiner

Peter P Nerbun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2003 and 22 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-39 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 9-17, 40-42 and 45-47 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8, 18-21, 43 and 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10302004</u> . | 6) <input type="checkbox"/> Other: _____  |

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Claims 22-39 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 22 and its dependent claims are allowed because claim 22 specifically requires a yarn feed tube bank having at least two separate tube bank sections receiving yarns from yarn feed devices of a yarn feed unit and a control system for controlling operation of the yarn feed devices based on programmed pattern information.

Claim 31 and its dependent claims are allowed because claim 31 specifically requires a yarn feed distribution device having a series of yarn feed tubes arranged in separate tube bank sections each receiving one of the yarns from yarn feed devices and a yarn feed controller controlling operation of yarn feed devices in response to programmed pattern instructions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,6,7,9-17,40-42, and 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgante et al (U.S.P. 6,244,203), cited by applicant on the PTO-

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1449 filed October 30, 2003. The patent to Morgante et al (203) discloses a tufting machine for forming tufts of yarns in a backing material passing therethrough comprising at least one needle bar 27, Fig. 1 having a series of spaced needles positioned therealong (see col. 4, lines 2-3), a yarn feed unit 30 comprising a plurality of yarn feed devices each including a drive motor 38 and a drive roll 37 for feeding a supply of yarns to said needles along said needle bar (see col. 4, lines 18-22), a plurality of yarn feed controllers 65, Fig. 6 electrically connected to said drive motors of said yarn feed devices for controlling the feeding of the yarns to said needles, a yarn distribution device including at least one tube bank 21 through which the yarns are passed to said needles, and a control system 61 in communication with said yarn feed controllers of said yarn feed unit for providing control signals based on programmed pattern information to said yarn feed controllers.

Claims 4,5,8,18-20, and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 44 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to amend the claim as follows: In claim 44, line , "said tube bank sections" should be changed to --said at least one tube bank section consists of a plurality of tube bank sections that--. The preceding change is deemed necessary to render claim 44 allowable since the claim could presently be read to include only a single tube bank section. In that instance the allowable feature recited

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in claim 44 (viz. a plurality of tube bank sections that are scrambled) would not apply.

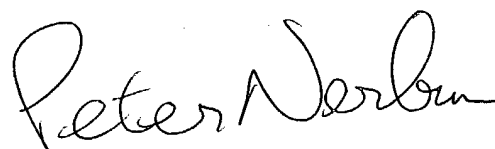
This interpretation of the claim is based upon the recitation of "at least one tube bank section" in claim 40, line 6 – note that claim 44 depends on claim 40.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P Nerbun whose telephone number is 703-308-0955. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Nerbun  
May 20, 2004

  
Peter Nerbun  
Primary Examiner